

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 5, 2009

D051744 People v. McKenzie

The judgment is reversed. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

D053474 In re Vernon W., a Juvenile

The orders are affirmed. Irion, J.; We Concur: Benke, Acting P.J., McDonald, J.

D054193 In re Padilla on Habeas Corpus

The petition is denied.

D053016 Craig v. Mason

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 6, 2009

D051743 People v. McIntosh

Judgment affirmed. Haller, J.; We Concur: McConnell, P.J., Huffman, J.

D051566 People v. Flores

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.

D050479 Major et al. v. Western Home Insurance Company

The judgment is affirmed. The Majors shall recover their costs on appeal. Nares, J.; We Concur: Benke, Acting P.J., Haller, J. (Certified for Publication).

D053314 In re Leilani T., a Juvenile

Judgment affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

**D053891 Pic-A-Bagel Inc., et al. v. Workers' Compensation Appeals Board of the
State of California et al.**

The petition is denied.

D053798 In re Titan S., a Juvenile

The appeals are dismissed. Irion, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D052124 Rankin v. Longs Drug Stores California, Inc.

The judgment is affirmed. Defendant is entitled to costs on appeal. (Certified for Publication).
McDonald, J.;
We Concur: Benke, Acting P.J., Irion, J.

D053880 In re Joshua A., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: Benke, J., Nares, J.

**D049983 Troyk v. Farmers Group Inc., et al./Prematic Services Corporation
(California) et al.**

The petitions for rehearing are denied.

D053412 Sussman v. Cook

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 6, 2009 (Continued)

D053988 In re Neva A., a Juvenile

The appeal is dismissed. Benke, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D053531 Coffey v. Durkovic

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a).

The appeal is dismissed.

D052943 Tang v. CS Clean Systems AG

The petition for rehearing is denied.

D054329 Vance v. Superior Court of San Diego County/Wurtele

Let a peremptory writ of mandate issue directing the superior court to vacate its December 12, 2008 order granting the motion to compel, and reconsider the motion once it has been properly noticed and served on the doctor. Dr. Vance is entitled to costs in the writ proceeding. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 8.490(b)(3).) The stay issued December 30, 2008, is VACATED. Benke, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 7, 2009

D053130 In re Kenneth S. Jr., et al., Juveniles

The opinion filed December 10, 2008, is ordered certified for publication.

D053121 In re Jaheim B., a Juvenile

The opinion filed December 22, 2008, is ordered certified for publication.

D051840 City of San Diego v. Means

We affirm the judgment insofar as it concerns the complaint's first, second, fifth, eleventh and twelfth causes of action, as summary adjudication is proper on them. Reverse the judgment insofar as it concerns the sixth and seventh causes of action as there are triable issues of fact pertaining to whether Means knowingly presented false claims to the City. The parties are to bear their own costs on appeal. McConnell, P.J.; We Concur: Haller, J., O'Rourke, J.

People v. Heston

The petition is denied.

D054314 Lennar Homes of California Inc., et al. v. The Superior Court of San Diego County/DLA Piper US LLP et al.

At the request of petitioners, the petition for writ of mandate is dismissed.

D053385 Heaven T. et al., Juveniles

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Aaron, J.

D053897 In re Crystal K. et al., Juveniles

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 8.412(d)(1)(A), and 8.416(g). The appeal is dismissed.

D053073 Tritex Telecom, Inc. v. Superior Court of San Diego County/Mak

Let a writ of mandate issue directing the superior court to vacate its May 12, 2008, judgment and peremptory writ of mandate and to conduct further proceedings in accordance with the views expressed in this opinion. The presiding judge of the superior court is further directed to transfer this matter to one judge. Tritex is entitled to its costs in this writ proceeding. The stay issued on May 12, 2008, will be vacated when the opinion is final as to this court. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D052434 Sun Country Builders, Inc. v. Coker Equipment Co., Inc.

Judgment affirmed. Appellant to pay respondents' costs on appeal. Haller, J.; We Concur: McConnell, P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT

DIVISION ONE

January 7, 2009 (Continued)

D054198 Bolt v. Crenshaw

Because appellant did not timely pay the filing fee, and did not timely designate the record, the appeal filed November 25, 2008, is dismissed. (Cal. Rules of Court, rules 8.100(c)(3), 8.140 and 8.121(a).)

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 8, 2009

D051842 Krotje v. Krotje et al.

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., O'Rourke, J.

D054393 People v. Gabriel

Review in the Court of Appeal of a decision by the Appellate Division of Superior Court is exclusively by transfer and certification under California Rules of Court, rule 8.1000 et seq. The appeal filed on January 2, 2009, is inoperative. The appeal is dismissed.

D054392 People v. Dement

The notice of appeal is inoperative and the appeal is dismissed.

D054362 In re J.G., a Juvenile

The notice of appeal is untimely. The appeal is accordingly dismissed.

D049983 Troyk v. Farmers Group Inc., et al.

On the court's own motion, rehearing is granted.

D050793 Haddada v. Coldwell Banker Residential Brokerage Company

The orders are affirmed. Coldwell Banker is awarded its costs on appeal. O'Rourke, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D054204 MJB Development Group et al. v. Diamond Escrow Inc., et al.

Because appellant did not timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 8.100(c)(3).)

D052795 Sherman v. Patterson

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a).

The appeal is dismissed.

D054180 John v. Department of Motor Vehicles

Counsel for appellant has informed the court by letter filed on December 26, 2008, that appellant is deceased. Counsel's request to dismiss the above-entitled matter is GRANTED. The appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D051517 Anderson v. Vista Pioneers I, Inc.

Appellant's petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 9, 2009

D054290 Garza v. Superior Court of San Diego County/Garza

The fee waiver request in the above-entitled matter was denied on December 18, 2008, and notice to the parties was sent that same date. (Cal. Rules of Court, rule 3.56(4).) Petitioner had 10 days from the date of the notice to pay the filing fee of \$655.00. (Cal. Rules of Court, rule 3.55.) The filing fee has not been paid. The petition is DISMISSED. (Cal. Rules of Court, rule 3.55.)

D051642 Sycamore Ridge Apartments, LLC v. Naumann et al.

Based on the stipulation of the parties under section 128, subdivision (a)(8), the orders are reversed and the case is remanded to the trial court with directions to vacate the orders granting the anti-SLAPP motions and fee awards and enter new orders denying the anti-SLAPP motions. The remittitur shall issue immediately. Each party shall bear its own costs. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D053754 Sony Electronics, Inc. v. Superior Court of San Diego County/Hapner et al.

The petition for writ of mandate has been read and considered by Justices Huffman, Haller and McIntyre.

The petition is denied.

D053872 People v. Paine

The above-entitled appeal filed on September 29, 2008, is dismissed as untimely.

D053268 Sloan v. Olowokere

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a).

The appeal dismissed.

D051718 People v. Johnson

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., Haller, J.

D052237 Riverwatch et al. v. Olivenhain Municipal Water District/Gregory Canyon LTD

The judgment is reversed and the matter remanded to the trial court with directions that it enter a new judgment granting the petition for writ of mandate. The trial court shall issue a writ ordering OMWD to set aside its approval and execution of the Agreement and to reconsider those actions after consideration of a legally adequate EIR for the Landfill project. The court may also make any other order necessary and proper under section 21168.9. Riverwatch shall recover its costs on appeal. McDonald, J.; We Concur: Benke, Acting P.J., Irion, J.

D053452 In re Maya N., a Juvenile

The order is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 9, 2009 (Continued)

D052705 People v. Elias

The judgment is affirmed. The trial court is directed to correct the abstract of judgment to show that the section 12022.1 enhancement attaches to count 3 and to forward the corrected abstract to the Department of Corrections and Rehabilitation. Benke, Acting P.J.; We Concur: Haller, J., McDonald, J.

D051866 In re Roberto A., a Juvenile

The opinion, filed December 15, 2008, is modified. The petition for rehearing is denied.

D054378 City of San Diego v. The Superior Court of San Diego County/O'Sullivan

The petition is denied.

D054398 People v. Superior Court of San Diego County/Gonzales

The petition is denied.